

REMARKS/ARGUMENTS

The present Amendment is in response to the Office Action having a mailing date of June 26, 2006. Claims 1-9 are pending in the present application. Applicant has amended claim 4. Accordingly, claims 1-9 remain pending in the present application.

Applicant has amended the specification to correct minor typographical and grammatical errors. Accordingly, Applicant respectfully submits that no new matter is added.

Applicant has amended claim 4 to correct a grammatical error, a missing period. This amendment is seen by Applicant as broadening or cosmetic, and as such, is not subject to the prosecution history estoppel imposed by Festo. For the record, Applicant points out that the Supreme Court in Festo noted that a cosmetic amendment would not narrow the patent's scope and thus would not raise the estoppel bar.

In the above-identified Office Action, the Examiner rejected claims 1-9 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. 2005/0076311 (Kusterer) in view of U.S. Patent Application Publication No. 2003/0195880 (Mancinelli).

Applicant respectfully disagrees with the Examiner's rejection. Claims 1-9 are patentable under 35 U.S.C. § 103(c). Applicant notes that Mancinelli is assigned to IBM Corporation, in Reel and Frame No. 013945/0624. IBM Corporation is also the assignee of the present application. Thus, Mancinelli was art commonly owned at the time of the invention of technology disclosed in the present application. The publication date of Mancinelli is October 16, 2003. This publication date is after the filing date of the present application. Consequently, it is believed that the Examiner has cited Mancinelli under 35 U.S.C. § 102(e). More specifically, 35 U.S.C. § 102(a)-(d), (f), and (g) apparently do not apply to Mancinelli. Under 35 U.S.C. § 103(c)(1), therefore, Mancinelli is not available for use in a rejection under 35 U.S.C. §

103(a). In addition, the Examiner has acknowledged that Kusterer “fails to teach a model content provider for receiving queries from a user interface portion having a plurality of GUI API’s running applications, and for providing elements of the query to a query model.” Accordingly, Applicant respectfully submits that claims 1-9 are allowable over the cited references.

Applicant’s attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant’s attorney at the telephone number indicated below.

Respectfully submitted,

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September 26, 2006
Date

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